

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAYMOND E. WASHINGTON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No. 07-1076
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

O R D E R

AND NOW, this 11th day of September, 2007, upon consideration of Petitioner Raymond E. Washington's pro se Petition for Writ of Habeas Corpus (document No. 4) filed in the above captioned matter on September 11, 2007,

IT IS HEREBY ORDERED that said Petition is DENIED and the above captioned matter is DISMISSED without prejudice. Petitioner's petition is premature. As the court in Kapral v. United States, 166 F.3d 565 (3d Cir. 1999), noted "a collateral attack is generally inappropriate if the possibility of further direct review remains open: A district court should not entertain a habeas corpus petition while there is an appeal pending." 166 F.3d at 570 (quoting Feldman v. Henman, 815 F.2d 1318, 1320-21 (9<sup>th</sup> Cir. 1987)). Accordingly, in the absence of extraordinary circumstances, the orderly administration of criminal justice precludes a district court from considering a collateral attack while review of the direct appeal is

still pending. Id. at 572. Petitioner filed an appeal on May 4, 2007, at Criminal No. 89-152. That appeal is still pending, and no extraordinary circumstances appear on the record here which would require the Court to consider the petition at this time.

The Court having denied Petitioner's Petition for Writ of Habeas Corpus, IT IS FURTHER ORDERED that Petitioner's Motion for Appointment of Counsel (document No. 2) is DENIED as moot.

s/Alan N. Bloch  
United States District Judge

ecf: Counsel of record

cc: Raymond E. Washington  
#600-07  
Westmoreland County Jail  
3000 South Grande Boulevard  
Greensburg, PA 15601